

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-16100-2023

Date of decision: 31.01.2024

JARNAIL SINGH

....PETITIONER

Vs.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ashish Soi, Advocate
for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to the respondents to stay the departmental proceedings during the pendency of trial.

2. The petitioner is working with respondent-department as Sub Inspector. The petitioner has been implicated in FIR No. 36 dated 28.03.2023 under Sections 21, 59 NDPS Act, 1985, Sections 166, 120-B of Indian Penal Code, 1860 and Section 7 of Prevention of Corruption Act, 1988, registered at Police Station, Shimlapuri, Ludhiana. The matter has been investigated and final report under Section 173 of Cr.P.C. has been presented. The trial has commenced. The petitioner has already been served charge sheet in departmental proceedings and he has been asked to lead his defence evidence.

3. Mr. Ashish Soi, Advocate submits that if the petitioner leads his defence in departmental proceedings, it would adversely affect his defence in the criminal trial because there are all possibilities that Investigating Officer may file his report considering defence of the petitioner. The foundation of departmental proceeding is aforesaid FIR.

4. Mr. Inderpreet Singh Kang, AAG, Punjab, who on advance notice is present in Court on behalf of the respondents, assures the Court that Inquiry Officer would not compel the petitioner to lead his defence evidence till the Investigating Officer and common witnesses are examined in the criminal proceedings.
5. In the wake of submissions of the petitioner as well as statement of learned State counsel, this Court deems it appropriate to direct the respondents not to compel the petitioner to lead his defence evidence in departmental proceedings till the Investigating Officer and common witnesses are examined in criminal proceedings.
6. Disposed of in above terms.

31.01.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No